

## **REMARKS**

With this Response, Applicants respectfully request that claims 25-32 be canceled without prejudice. No claims are amended or added. Therefore, claims 1-8, 17-20, and 33-38 are pending.

## **ELECTION/RESTRICTION**

Applicants confirm election of claim group I, consisting of claims 1-8, 17-20, 25-28, and 33-38, without traverse. The remaining claims are withdrawn or canceled.

## **CLAIM OBJECTIONS**

Claims 25-32 were objected to as including the term "data communication medium" not defined in the Specification. These claims have been canceled herein, rendering objection to these claims moot.

## **CLAIM REJECTIONS - 35 U.S.C. § 101**

### **Claims 17-24**

Claims 17-24 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 21-24 are withdrawn from consideration, rendering rejection of these claims moot. Claims 17-20 are amended herein to replace the term "machine-accessible medium" with the term --storage medium-- as suggested in the Office Action at page 3. Applicants therefore respectfully request that this rejection be withdrawn.

### **Claims 25-32**

Claims 25-32 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. These claims have been canceled herein, rendering objection to these claims moot.

## **CLAIM REJECTIONS - 35 U.S.C. § 102**

Claims 1-8, 17-20, 25-28, and 33-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,785,811 of Bihlmeyer et al. (*Bihlmeyer*). Claims 25-28 are canceled herein, rendering rejection of these claims moot. Applicants respectfully submit that the remaining claims are not anticipated by the cited reference for at least the following reasons.

Claim 1 recites the following:

**associating cryptography information with a data packet** to be used to perform cryptography operations on the data packet;  
storing the cryptography information in memory;  
**generating a pointer to a memory location for the cryptography information;**  
**passing the pointer to the cryptography information from a first system layer to a second system layer;**  
accessing the cryptography information not stored in the second system layer using the pointer;  
performing cryptography operations on the data packet; and  
transmitting the data packet.

Claims 17 and 33 recite similar limitations directed to cryptography information associated with a packet, and generating and passing a pointer to the cryptography information between system layers.

The Office Action recites various sections of *Bihlmeyer* as disclosing the invention. Applicants respectfully traverse. The cited reference fails to support the interpretations asserted in the Office Action. *Bihlmeyer* discusses the use of a cryptographic library accessible to all applications in a computer system for accessing cryptographic functions. See, e.g., col. 1, lines 24 to 39; col. 2, line 10 to 22; col. 2, lines 51 to 55; col. 5, lines 4 to 20; col. 6, lines 5 to 24. The library allows for various levels of cryptographic functions to be applied to different applications based on an identification of the application. See col. 6, lines 25 to 45. To pass the identification information from the applications to the library, a void pointer pass parameter is

used, which is understood by those of skill in the art as a function call that accepts parameter input and returns a void pointer. See col. 8, lines 46 to 54. The void pointer pass parameter is merely a construct for passing information from one application to another – the resulting void pointer does not contain any information, and is not used by the initiating application. The location of the library in memory is indicated to the applications by "a pointer in a globally accessible memory location," which indicates the location of the cryptographic functions. See col. 2, lines 51 to 55. Thus, the pointer resides in a fixed location in global memory, and **is not** passed from one layer to another.

The cited reference discusses providing cryptographic **functions** or operations to applications, and fails to disclose or suggest associating cryptography **information** with a **data packet** that is used to perform cryptography operations on the data packet. Even if *Bihlmeyer* could be interpreted to disclose associating cryptography information with a data packet, which Applicants do not concede, the reference further fails to disclose or suggest generating a pointer to the cryptography information and **passing the pointer between system layers**, as recited in the independent claims. In contrast, as set forth in the reference, the reference discloses passing application identification information with a void pointer pass parameter function from the requesting application to the cryptographic library (another application, thus presumably both reside at the application layer), and accessing the cryptographic library with a fixed, global pointer. The reference thus does not support the interpretations made in the Office Action. The reference fails to disclose or suggest at least one element of the claimed invention, and therefore fails to support a prima facie case under MPEP § 2131 of anticipation of the invention as recited in the independent claims.

The remaining claims depend from the independent claims, and thus necessarily include all the limitations of their respective base claims. Because the reference fails to disclose or suggest at least one element of the independent claims, *Bihlmeyer* likewise fails to disclose or suggest at least the same element of the dependent claims. The dependent claims are therefore patentable over the cited reference for at least the reasons set forth above with respect to the independent claims.

### CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome, placing all claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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Date: 3/14/05

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